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COMPLETE EMC/ENVIRONMENTAL TESTING AND CONSULTING

May 31, 1995

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JUN 1, 1995

Mr. William F. Caton  
Secretary  
Federal Communications Commission  
1919 M. Street  
Washington, D.C. 20554

FCC MAIL ROOM

Subject: Notice of Proposed Rule Making Dated Feb. 7, 1995  
ET Docket No. 95-19

Gentlemen:

As owner of Elite Electronic Engineering Company I would like to express the opinions and concerns of our organization with regards to the above referenced Notice of Proposed Rule Making (NPRM).

Elite Electronic Engineering Company was organized in 1954 in response to emerging military and commercial concerns for RF considerations of newly developed electronic equipment, and is the oldest and best equipped independent EMC test laboratory in the world. Elite conducts EMC testing and certification efforts at two test laboratories in Downers Grove, IL and Cocoa Beach, FL, and also provides a variety of outdoor automotive EMC testing and antenna calibration at its remote site located in Waterman, IL.

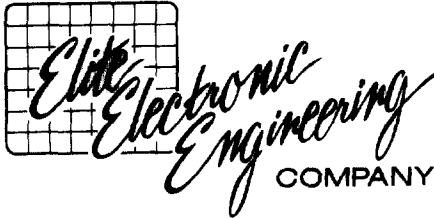
Elite Electronic Engineering company's main laboratory is located in Downers Grove, IL and has 45,000 square feet of laboratory and test facilities housed in a modern, one-story concrete and steel building. Elite is equipped with 16 shielded rooms and has available multiple sets of RF generating and receiving equipment combinations.

Elite began FCC testing in 1954 when most requirements were voluntary. We soon found out that only the most conscientious manufacturers, large or small, would have their products meet the various FCC Part 15 requirements at that time.

We at Elite support the Commission proposal for the use of Manufacturer's Declarations of Conformity (DOC), PROVIDING that such rule making also mandates the formal (NVLAP) accreditation of all INDEPENDENT testing laboratories providing data in support of such DOCs. Without the laboratory accreditation component we could not support the concept of a manufacturer's DOC.

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We are making these comments based on the following principles:

#### **HARMONIZATION WITH INTERNATIONAL SYSTEMS**

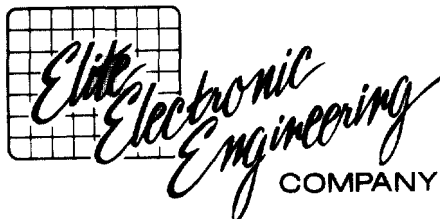
Product approval based on a manufacturer's DOC is rapidly becoming more and more the norm in international conformity assessment systems. A review of the European Community's system shows how the manufacturer's DOC concept can be effectively used in many areas. Currently much of their EMC Directive, Low Voltage Directive, and Machinery Directive are based on DOCs. Even the Telecom Terminal Equipment Directive and the Medical Device Directive have some provisions for a manufacturer's DOC. **HOWEVER**, that is not the end of the system. Notified and Competent Bodies, which can be viewed as similar to the accredited laboratories that the Commission is suggesting, are also an important part of the EC system. If we are to harmonize let us do it logically, incorporating all aspects of international systems and not just bits and pieces.

#### **PROTECTION OF THE U.S. CONSUMER**

Although it is reasonable to believe that all responsible U.S. manufacturers could be trusted to fulfill all of the requirements of a system based on DOCs, it would appear naive to believe that all foreign manufacturers would be as committed to compliance. Either through ignorance or indifference it is safe to assume that some "offshore establishments" may attempt to circumvent the system. Since this is most likely to occur by smaller less equipped manufacturers, the mandated use of an accredited laboratory (and having that laboratory listed on the DOC) is a form of checks and balances for the system. Assuring that a Foreign laboratory "even" exists and that it is capable of providing the required testing is certainly a step in the right direction in assuring some level of confidence in the products being sent to our marketplaces. This is especially needed considering that it is possible that some of the products covered by this rule making may find their way into "EMC Sensitive" areas such as hospitals and medical offices.

#### **GROWING INTERNATIONAL IMPORTANCE PLACED ON LABORATORY ACCREDITATION**

Countries all over the world are beginning to mandate laboratory accreditation systems. Working in the EMC testing market for over 40 years the competence of testing laboratories is becoming a greater and greater issue in both national and international trade. The Commission should be commended for recognizing this issue and incorporating it in the NPRM. Although its application to



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manufacturer's laboratories can be questioned, its applicability to independent laboratories is significant, timely and internationally needed.

#### **ADDITIONAL SPECIFIC NPRM COMMENTS**

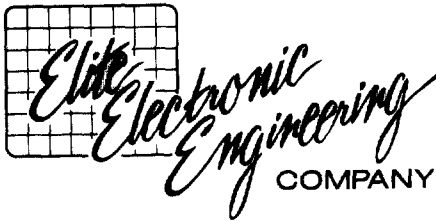
Section 6 - With regards to the DOC itself, we would recommend that if an independent laboratory performed the testing on the device being declared, the laboratory should be listed on the DOC.

Section 7 - We agreed with the Commission that some form of labeling should exist to attest compliance with the requirements. We further agree that the "user information" requirements for the user manuals continue, since because of these general guidelines the Commission receives less consumer questions regarding interference.

Section 8 - Based on what is currently being done in various international systems using DOCs, we do not see a "present" need for accreditation of manufacturer's laboratories at this time, however, they must eventually be accredited if the system of accreditation is to be totally reliable. With regards to "alternate methods of accrediting laboratories", we would offer the following. Clearly the current NVLAP program is the most established in this area and NVLAP accreditation should certainly be the acceptable route of choice. However other accreditation agencies such as the American Association for Laboratory Accreditation (A2LA) should be able to also administer an acceptable EMC accreditation program. We would suggest that any accreditation program, which is based on current international ISO standards, be accepted, providing they meet the requirements of the FCC. Further we would strongly encourage greater efforts on the part of NVLAP to enter into more Memorandums of Understandings (MOU) with other international accrediting bodies in order to address the accreditation of foreign laboratories.

#### **OUR ACCREDITATION EXPERIENCES:**

As one of the original six accredited EMC laboratories in the country we at Elite have had considerable experience in the accreditation process and its costs. Accreditation makes for a better laboratory. It makes certain that such necessary "building blocks" such as Calibration, Quality Assurance, Training, Document Control and Testing Oversight are in place to assure for repeatable professional testing services. A "good" accreditation should be



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a "good" learning experience for a "good" laboratory, especially one that wants to be better. Cost of accreditation is a concern, however a reduction in fee scheduling will take place if more laboratories enter into the NVLAP Program or any other program. The more an accreditor can spread his administrative fees over more laboratories the less the charges will be to each laboratory.


#### **SMALL TO MIDSIZE MANUFACTURERS CONCERNS:**

In discussing this NPRM with our customers, who are primarily small to midsize manufacturers, we have had them tell us how they did testing with some laboratories that were not accredited, but listed by the FCC, and found to their dismay that they did not perform the required tests properly. Their units were still radiating emissions above the limits and it was a very costly and embarrassing situation for them. They rapidly concluded that going to an accredited laboratory enabled them to have much more assurance that the testing would be done properly and therefore the results much more accurate. Mutual recognition of accredited laboratories around the world would be more beneficial to these manufacturers.

We thank you for the opportunity to comment on this most important rule making decision and hope that any decisions the Commission may make in this area reflects the needs and desires of both large and small manufacturers and the independent testing community.

Very truly yours,

ELITE ELECTRONIC ENGINEERING COMPANY

  
James C. Klouda  
Owner, Director of Engineering